IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16866 of 2004

Between:

V. Srinivasa Rao S/o Raja Rao , aged 66 years, Occ: Retd.Accounts Officer, Andhra Pradesh State Federation Cooperative Spinning Mills Limited R/o Sipoypeta, Chirala, Prakasam District

..... PETITIONER

AND

1 Andhra Pradesh State Federation Cooperative Spinning Mills Limited

rep. by Director of Handlooms and Textiles,
Government of Andhra Pradesh 4th Floor, BRKR Bhavan, Tank

Bund Hyderabad
2 State of Andhra Pradesh rep by Principal Secretary to Government

(Textiles) Cooperative Department
Secretariat, Saifabad, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declare the action of the Respondents in not setting the retirement benefits like gratuity P.F. and other allied service benefits to the petitioner in spite of his representations as illegal, arbitrary violative of Article 14 and 21 of the Constitution of India and consequentially direct the Respondents to settle the retirement benefits like gratuity P.F. and other service benefits etc by disposing his representation dt 11-11-2000 and 09-03-2004 taking into consideration G.O.Rt.No.712 dated 12-09-12003 issued by the 2nd Respondent which is implementation of interim orders dated 19-08-2002 in WPMP No. 18979 of 2002 in WP NO.15157 of 2002.

Counsel for the Petitioner: MR.K.R.SRINIVAS

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following :

ORDER:

The petitioner is a retired Accounts Officer of the Respondent Mill. The grievance of the petitioner is that his period of leave was not regularized and retiral benefits were not paid to him. Therefore, he approached this Court, through W.P.No. 15157 of 2002 and this Court directed the 1st respondent to consider the claim of the petitioner within a period of three weeks from the date of communication of the said order. Subsequently, the petitioner issued a legal notice claiming the amounts due to him. But, there was no response from the respondents. O n 11-11-2000 the petitioner made a representation. But, they were given a deaf ear. The petitioner contends that in respect of similarly placed employees the Government passed an order through G.O.Rt.No. 712, dated 12-9-2003 ordering the payment of gratuity together with interest to 20 retired employees, in pursuance of the interim direction given by this Court in W.P.M.P.No.18979 of 2002 in W.P.No.15157 of 2002. Therefore, the petitioner requested this Court to direct the respondents to settle his retirement benefits, like gratuity, provident fund and other service benefits by disposing of his representations dated 11-11-2000 and 9-3-2004 respectively by taking into consideration G.O.Rt.No. 712, dated 12-9-2003 issued by the 2nd respondent.

In the light of the submissions made by the petitioner, the 1st respondent is directed to pass appropriate orders on the representations of the petitioner, dated 11-11-2000 and 9-3-2004 according to the Rules by keeping in view G.O.Rt.No.712, dated12-9-2003 issued by the 2nd respondent, in pursuance of an interim direction of this Court, dated 19-8-2002 in WPMP No. 18979 of 2002 in W.P.No. 15157 of 2002, within two months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly disposed of. No order as to costs.

---------- Dr. G.Yethirajulu, J.

20th September, 2004.

Note:

Furnish copy in one week

B/o

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Director of Handlooms and Textiles,

Andhra Pradesh State Federation Cooperative Spinning Mills Limited
Governemnt of Andhra Pradesh 4th Floor, BRKR Bhavan, Tank Bund

Hyderabad
2.The Principal Secretary to Government, State of Andhra Pradesh

(Textiles) Cooperative Department
Secretariat, Saifabad, Hyderabad

3. 2CCs to G.P. for Cooperation, High Court of A.P., Hyderabad (OUT)

4. 2CD copies

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

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